



**RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3683**

#15  
8  
(NE)  
9/3/03

S/N 09/868,462

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|               |                 |                   |             |
|---------------|-----------------|-------------------|-------------|
| Applicant:    | BUGAJ           | Examiner:         | T. WILLIAMS |
| Serial No.:   | 09/868,462      | Group Art Unit:   | 3683        |
| Filed:        | AUGUST 10, 2001 | Docket No.:       | 3961.47USWO |
| Title:        | SHOCK ABSORBER  |                   |             |
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**CERTIFICATE UNDER 37 CFR 1.10**

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By: 

Name: John Junkers

**RESPONSE**

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SEP 02 2003

**GROUP 3600**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed on May 22, 2003, in which claims 52-56 were rejected and claim 57 was objected to. Reconsideration of the application is requested in view of the following remarks.

A phone interview was conducted on August 21, 2003, between Examiner Williams and Applicant's representative Joshua Randall (Reg. No. 50,719). In the interview, support for proposed new Figure 17a was discussed and the Examiner indicated that there was probable sufficient support for new Figure 17a at page 4 of the specification. The Lyon reference was also

Approved  
9/15/03  
Entry  
Rec. by Examiner  
TSW 9-11-03

discussed as it related to movement of the first and second cylinders with respect to each other. The Examiner indicated that he would probably withdraw the rejection based on the Lyon reference. No agreement was reached as to the allowability of the pending claims.

Applicant thanks the Examiner for entering new Figure 22a. Concerning the objection to new Figure 17a and a related description of that figure at pages 11 and 20, Applicant provides the following explanation of how that embodiment is supported by the current specification.

One embodiment of the present invention includes a sleeve that is axially displaceable with respect to first and second piston cylinders (page 3, lines 14-15). A first annular cavity is defined in an overlap region between the first cylinder and the sleeve and a second annular cavity is defined in an overlap region between the second cylinder and the sleeve. The first annular cavity may be provided with a valve means for adjusting gas pressure therein (page 3, lines 25-26; feature 35 shown in Figures 17 and 17a), and the second annular cavity may also be provided with a valve means (page 4, lines 7-8; feature 35 prime shown in Figures 17 and 17a). The shock absorber may also include first and second coil springs associated with the first and second cylinders that are axially fixed with respect to the sleeve and the respective cylinder (page 4, lines 9-14; features 60, 61 of Figure 17a). Preferably, the first and second coil springs are axially fixed with respect to the sleeve by means of an annular end plate fixed to the sleeve between the first and second cylinders (page 4, lines 18-20; feature 62 shown in Figure 17a). Thus, Applicant submits that there is sufficient support in the specification for adding new Figure 17a, and that claims 16 and 17 are now fully shown and described with respect to at least Figure 17a. Withdrawal of the objection to the specification and drawings is respectfully requested.

Claim 52 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 1,089,002 (Lyon). Applicant respectfully traverses this rejection. Lyon discloses cylinders 8 that are fixed relative to each other with a threaded connection via stuffing boxes 6 and cylindrical tube 5. The lower most cylinder 8 shown in Figure 2 is mounted to plate 10 associated with the axle 12. Pistons 18 are positioned within each of cylinders 8 and connected to each other with a rod 20, which in turn is secured to the vehicle body 25. As a result, the pistons 18 are movable with respect to the cylinders 8, but the cylinders 8 are fixed with respect to each other. Thus, Lyon clearly fails to disclose or suggest "first and second cylinders being relatively displaceable along

said axis' with the cylinders moving relative to each other and relative to the pistons," as required by claim 52. Withdrawal of the rejection is respectfully requested.

Claims 53 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyon in view of U.S. 5,477,947 (Schalles et al.). Applicant respectfully traverses this rejection.

Further, claims 53 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyon in view of U.S. 2,774,446 (Bourcier De Carbon). Applicant respectfully traverses this rejection. Furthermore, claim 56 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyon in view of Schalles et al. and further in view of Bourcier De Carbon. Applicant respectfully traverses this rejection.

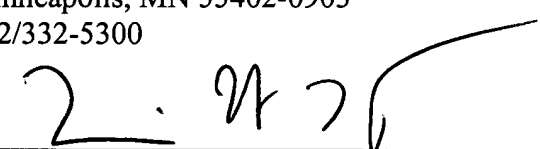
As discussed above, Lyon fails to disclose every limitation of claim 52. Schalles et al. and Boucier De Carbon fail to remedy the deficiencies of Lyon as it relates to claim 52. Therefore, claims 53-56 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

In view of the above, Applicant respectfully requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's attorney below at 612.336.4755.

Respectfully submitted,

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P.O. Box 2903  
Minneapolis, MN 55402-0903  
612/332-5300

Date: August 22, 2003

  
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